

CHAPTER NO. 777

SENATE BILL NO. 2954

By Gilbert

Substituted for: House Bill No. 3023

By Burchett

AN ACT To amend Tennessee Code Annotated, Title 62, Chapter 27, relative to polygraph examiners.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-27-105, is amended by deleting subsection (d) in its entirety and substituting instead the following:

(d) The board shall have the right and power to contract for the services of any licensed qualified polygraph examiner to assist with the administration and analysis of polygraph examinations.

SECTION 2. Tennessee Code Annotated, Section 62-27-123, is amended by deleting subsection (d)(1)(E) and (d)(1)(F) and substituting instead the following:

(E) Sexual preferences or activities;

(F) Any disability covered by the Americans with Disabilities Act; or

(G) Actions or activities more than five (5) years preceding the date of the examination, except for felony convictions and violations of the Tennessee Drug Control Act, codified in Tennessee Code Annotated, Title 39, Chapter 17, Part 4.

SECTION 3. Tennessee Code Annotated, Section 62-27-124, is amended by deleting from subsection (a) the language "two (2) years" and substituting instead the language "three (3) years".

SECTION 4. Tennessee Code Annotated, Section 62-27-124, is further amended
by deleting the first sentence of subsection (b) and substituting instead the following:

If a polygraph examiner does not maintain audio and/or video tapes of all examinations and has a complaint of alleged impropriety lodged against the polygraph examiner by an examinee, that examiner shall be required to submit to a polygraph examination to be administered by any licensed polygraph examiner who is under contract with the board.


SECTION 5. This act shall take effect July 1, 1998, the public welfare requiring it.


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

PASSED: April 8, 1998

APPROVED this 22nd day of April 1998


DON PERDUE, GOVERNOR